

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00894/2016

Chandigarh, this the 27th day of February, 2018

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**CORAM: HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Shri Kulbhushan Kakar S/o Late Sh. Satyapal Kakar, aged 53 years, retired Superintendent, Department of Posts, R/o House No.146/3, Bank Colony, Manimajra Town, Chandigarh 160101 (Group-B).

....APPLICANT

(Present: Mr. Rahul Garg, Advocate)

VERSUS

1. Union of India through the Secretary to the Govt. of India, Director General, Posts & Chairman Postal Services Board, Department of Posts, Indian Ministry of Communications & IT, Dak Bhawan, Sansad Marg, New Delhi 110001.
2. Secretary, Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training, North Block, New Delhi.
3. Director of Accounts (Postal), Kapurthala, Punjab.
4. Assistant Director General (Establishment), O/o Director General, Posts & Chairman Postal Services Board, Department of Posts, India Ministry of Communications & IT, Dak Bhawan, Sansad Marg, New Delhi-110001.
5. Senior Accounts Officer (Postal), O/o Director of Accounts (Postal), Kapurthala, Punjab.
6. The Chief Post Master General, Punjab Circle, Chandigarh 160017.
7. The Senior Superintendent of Post Offices, Chandigarh Division, Chandigarh 160017.
8. The Senior Post Master, G.P.O. Sector 17, Chandigarh 160017.

....RESPONDENTS

(Present: Mr. Arvind Moudgil, Advocate)

ORDER**MRS. P. GOPINATH, MEMBER (A):-**

The applicant is before us being aggrieved by the fixation of pay as on 01.01.2006, and subsequently on promotion to (Higher Selection Grade) HSG-II and HSG-I. The basic pay of the applicant on 01.01.2006 in the pre-revised pay scale of Rs.4500-7000/- was fixed as Rs.5375/-. The applicant was promoted on 30.04.2007 to HSG-II, and shortly thereafter on 24.08.2007 to HSG-I. After clearing PSS Group 'B' Examination, applicant was promoted as Superintendent of Post Offices (SPO), Kapurthala.

2. The applicant argues that no increment was given to him, on his promotion to HSG-II and HSG-I. As per para 7.6.15 of the 6th CPC, the pay of HSG-I officials ought to be fixed as per fitment table corresponding to pre-revised pay scale of Rs.7450-11500, at the minimum of the revised scale and should be fixed as Rs.18460/- inclusive of GP of Rs.4600/-. Being aggrieved by the above dispute of pay fixation, the applicant submitted representation dated 31.12.2010.

3. As per Ministry of Finance OM dated 05.07.2010, a relaxation of stipulation under Rule 6 (4) of Revised Pay Rules 2008 was allowed wherein, employees were permitted to revise their initial option for pay fixation, upto an extended date i.e. 31.12.2010, if the option is more beneficial to them. Hence, the applicant's prayer is for quashing the orders dated 02.03.2016 and 09.03.2016 (Annexure A-1 colly), and to refix his pay, on the basis

of revised option Annexure A-4 submitted by him w.e.f. 24.08.2007 i.e. the date of promotion to HSG-I.

4. Rule 7 (A) (i) of CCS (RP) Rules 2008, states that;

i) Pay in the pay band will be determined by multiplying the existing basic pay as on 01.01.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.

ii) If the minimum of the revised pay band is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised pay band. The above calculation of respondent does not appear to reflect the fixation as provided in CCS (RP) Rules, 2008.

5. The respondent submits that the applicant while working as Sub Post Master in pre-revised scale of Rs.4500-7000 was on 01.01.2006 drawing a pay of Rs.5375/- with date of next increment as 01.05.2006. As per applicable rule, the applicant was entitled to draw one increment @ Rs.125/- as his date of increment fell in the period between February 2006 to June 2006. Hence, the pay of the applicant was Rs.5375 + 125 (admissible increment) i.e. Rs.5500/- and as per the above Rule 7 (A) (i), the pay of the applicant was fixed by multiplying of Rs.5500/- by a factor of 1.86 i.e. Rs.10230 + GP of Rs.2800 = Rs.13030/-. The amount of Rs.13030/-, being more than the minimum of pay plus grade pay in the revised pay band I i.e. Rs.11,170/-, is required to be fixed as the pay of the applicant as on 01.01.2006. On the promotion of the applicant to HSG-II in the scale of Rs.9300-34800 + GP of Rs.4200/- w.e.f. 30.04.2007, his pay should have been fixed at the

minimum of the pay band + grade pay i.e. Rs.9300 + 4200 = Rs.13500/-.

6. The applicant claims relief on the basis of the Government of India's notification no.7/7/2008-CS.I (A) dated 22.12.2010. Relief on the basis of this OM is not admissible to the applicant as this benefit was given only to Senior Assistants / Personnel Assistants of Central Secretariat Service (CCS) / Central Secretariat Stenographers Service (CSSS), a service to which the applicant does not belong. The applicant is therefore not covered by this notification, as this notification is intended only for the Central Secretariat Service.

7. The applicant has already been granted the benefit of two increments i.e. one annual increment and one promotional increment, on promotion to HSG-II, and one promotional increment and a new Grade Pay of Rs.4600/-, on promotion to HSG-I. The only grievance of the applicant which remains, is that, the option exercised by him, vide Annexure A-10 OM of the Ministry of Finance dated 05.07.2010, wherein the employees were permitted to revise their initial option upto 31.12.2010, which the applicant has done so vide Annexure A-4, within the prescribed date of 31.12.2010 was not considered by the respondents.

8. In view of para 6 above, the applicant will submit a revised application to respondents within 15 days of this judgment and we direct the respondents to consider this revised representation of the applicant for revision of option exercised under Rule 6 of the CCS (Revised Pay) Rules, 2008 and fix the pay

of the applicant w.e.f. 24.08.2007 the date of promotion to HSG-I and the arrears if any on such a fixation be restricted to three years, as per the Hon'ble Apex Court directions in case of **Union of India and another versus Tarsem Singh** (2008) SC 1369.

9. O.A. is disposed of accordingly.

(JUSTICE M.S. SULLAR)
MEMBER (J)

(P. GOPINATH)
MEMBER (A)

Dated: 27.02.2018.

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